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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/818,161	03/27/2001	Jay M. Salem	2530A	1948

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03/20/2003

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EXAMINER

TILL, TERRENCE R

ART UNIT

PAPER NUMBER

1744

DATE MAILED: 03/20/2003

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/818,161

Applicant(s)

SALEM ET AL.

Examiner

Terrence R. Till

Art Unit

1744

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 March 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 38,42,45 and 59-72 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 38,42,45,59-62 and 65-70 is/are rejected.
- 7) ☒ Claim(s) 63,64,71 and 72 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2. 6) ☐ Other: _____

DETAILED ACTION

Election/Restrictions

1. It is acknowledged that applicant has only claims 38, 42, 45 and 59-72 pending in the application. All read on the elected species of figures 6, 7A, 7B, 8 and 13.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claim 65 is rejected under 35 U.S.C. 102(b) as being anticipated by Yoo.

4. The patent to Yoo discloses all the recited subject matter including a sensor 14c, 114, 115 operatively connected to the recovery tank 18 to detect when the liquid of the recovery tank reaches a predetermined level. Said sensor including a pressure switch 115,a,b,c responsive to a pressure level associated with a predetermined liquid level of the recovery tank; and a circuit 14c electrically connected to the sensor for generating a control signal in response to the pressure level of the recovery tank. The control signal being an open circuit to shut off the fan motor 117. With respect to the preamble (for a suction cleaner that distributes..), it is considered the intended use of the claimed device.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

7. Claims 38, 42, 45, 59, 60-62 and 65-70 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Kasper et al. '302 in view of Kasper et al. '587 and Yoo.

8. The patent to Kasper et al. '302 discloses an upright extraction machine including a moisture sensor 1012 (see column 4, lines 45-55; column 9, lines 5-7 and lines 60-67) with either an audible or visual signal. Kasper et al. '302 further discloses a tank 50 which can be removably mounted to the suction cleaner. Kasper et al. '302 further discloses a microprocessor (Column 7, lines 45-65) for comparing the first signal generated from the moisture sensor to a threshold value. Kasper et al. '302 further contemplates using either a audio or visual signal (column 4, lines 45-55). Kasper et al. '302 does not disclose any details of the recovery tank. The earlier patent to Kasper et al. '587 discloses the details of the recovery tank (columns 23 and 24) in which there is a float assembly 900 that will shut off the airflow to the vacuum motor. Therefore, it would have been obvious to a person skilled in the art at the time the invention was made to provide a tank of the type described in Kasper et al. '587 to the device of Kasper et al. '302. since the disclosed device is essentially the same machine with details left out of the Kasper et al. '302 patent. The patent to Yoo discloses a recovery tank 18 in which there is a float assembly 110 that closes off the inlet to the vacuum motor. When that occurs, a sensor 14c, 114, 115 detects when the liquid of the recovery tank reaches a predetermined level. Said sensor including a pressure switch 115,a,b,c responsive to a pressure level associated with a predetermined liquid level of the recovery tank; and a circuit 14c electrically connected to the sensor for generating a control signal in response to the pressure level

of the recovery tank. It would be obvious to a person skilled in the art at the time the invention was made to provide a second sensor to detect when the liquid in the tank reaches a predetermined level. This second sensor would prevent the motor from continually operating with the tank exhaust blocked, increasing the life of the motor. With respect to claims 61 and 69, as Kasper '302 indicates that a visual indicator can be used, it would have been obvious to a person skilled in the art to modify the device of Kasper et al. '302 to have the second sensor coupled to a visual indicator, or lamp, to indicate when the liquid of the tank reaches a predetermined level.

Allowable Subject Matter

1. Claims 63, 64, 71 and 72 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

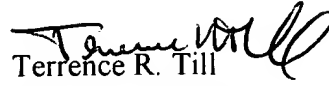
Conclusion

2. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The patents to Thomas, Dyson, Kawakami et al., Keller and Japanese patent to Ko disclose vacuum cleaners with at least one sensor to detect either pressure or moisture.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Terrence R. Till whose telephone number is (703) 308-1592. The examiner can normally be reached on Mon. through Thurs. and every other Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert J. Warden can be reached on (703) 308-2920. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9310 for regular communications and (703) 872-9311 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0661.


Terrence R. Till
Primary Examiner
Art Unit 1744

trt
March 18, 2003